



PATENT

Customer No. 22,852

Attorney Docket No. 2356.0077-01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Andre CHOULIKA et al.

Application No.: 09/713,017

Filed: November 16, 2000

For: NATURAL OR SYNTHETIC  
RETROELEMENT SEQUENCE  
ENABLING NUCLEOTIDE  
SEQUENCE INSERTION INTO A  
EUCARYOTIC CELL

Group Art Unit: 1635

Examiner: J. L. Epps

Commissioner for Patents  
Washington, DC 20231

Sir:

## TERMINAL DISCLAIMER

Assignee, Institut Pasteur, duly organized under the laws of France and having its principal place of business at 25-28 Rue du Docteur Roux, 75724 Paris Cedex 15 (France), represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No.: 09/713,017, filed November 16, 2000 for Natural Or Synthetic Retroelement Sequence Enabling Nucleotide Sequence Insertion Into A Eukaryotic Cell in the names of Choulika et al., as indicated by an assignment duly recorded in the United States Patent and Trademark Office at Reel 9169, Frame 0139 on May 11, 1998, a copy of which is attached. Assignee, Pasteur Institut, represents that it is the assignee of the entire

FINNEGAN  
HENDERSON  
FARABOW  
CARRETT &  
DUNN LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

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right, title and interest in and to U.S. Patent No. 6,200,800, as well as any divisional, continuation, or continuation-in-part that issues therefrom.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 6,200,800. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under Section 1.321 of Title 37 of the Code of Federal Regulations, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

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The undersigned is authorized to act on behalf of Assignee Institut Pasteur.  
I hereby declare that all statements made of my own knowledge and belief  
are believed to be true and further that these statements were made with the  
knowledge that willful false statements and the like so made are punishable by fine  
or imprisonment, or both, under Section 1001 of Title 18 of the United States Code  
and that such willful false statements may jeopardize the validity of the application of  
any patent issuing thereon.

Dated: February 14, 2003

Respectfully submitted,

By: 

Name: Danielle Berneman

Title: Director of Patents and Inventions Office

Assignee: Institut Pasteur

**Danielle BERNEMAN**  
Chef du Service des Brevets  
& Inventions

  
**INSTITUT PASTEUR**

25-28, rue du Docteur Roux  
75724 Paris Cedex 15

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

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